

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition for Rulemaking of the)	RM-11338
National Association of Broadcasters)	
To Permit AM Radio Stations')	
Use of FM Translators)	

To: The Secretary
 Attention: The Commission

COMMENTS OF SAGA COMMUNICATIONS, INC.

Saga Communications, Inc. ("Saga"), by its attorneys, and pursuant to Sections 1.4 and 1.405 of the Commission's Rules, respectfully comments on the "Petition for Rulemaking of the National Association of Broadcasters" filed July 14, 2006 ("NAB Petition"). The NAB Petition was listed on Public Notice Report No. 2782, released July 25, 2006, which afforded interested parties 30 days, or until August 24, 2006, within which to file statements opposing or supporting the NAB Petition.

Saga is a publicly-traded broadcasting company whose business is devoted to acquiring, developing and operating broadcast properties. Saga owns or operates broadcast properties in 26 markets, including 58 FM and 30 AM radio stations and a number of FM translators.

Saga supports, in principal, the notions in the NAB Petition that would permit AM stations to license and/or use FM translators to retransmit their AM service as a fill-in service; however, any relaxation of the current FM translator rules should be narrowly tailored to afford relief only to AM stations that need the fill-in service to rectify a serious

handicap. Saga urges the Commission to limit the eligibility for FM translators to those AM stations that are either (1) daytime only AM stations, (2) Class C¹ AM stations, or (3) AM stations that can convincingly demonstrate that they are subject to Cuban or other electrical interference that degrades their signals so as to make the signals unusable in the areas where the translators would provide “fill-in” service. Additionally, in the application process for a new FM translator, where an AM station meets the preceding criteria, there should be a dispositive preference awarded for those stations that do not have FM companion stations (i.e., “stand-alone AM stations”).

The NAB Petition stresses that “We have not requested access ‘beyond [our] normal satisfactory reception range.’” That is fine, as far as it goes, but it does not limit the types of stations that could use FM translators to give themselves an FM signal within their current service contours.² Full time AM stations operating with high power have no need for FM translators, and they should not be eligible to apply for or to use them. Moreover, stand-alone AM stations struggle to make ends meet because they are not co-owned with FM stations that, generally, are more financially successful. Therefore, Saga suggests that where a qualified licensee of an AM station applies to construct a new FM translator, the Commission should award a dispositive preference³ to an applicant that can demonstrate it has no attributable interest in an AM station in the same radio market.⁴

¹ Formerly Class IV Stations operating on local channels.

² A 50,000 Watt clear channel AM station’s 2 mV/m contour (the signal level suggested by the NAB Petition) would permit the use of vastly more FM translators than the 2 mV/m contour of a 1,000 Watt day-time only station, in virtually every instance.

³ To resolve conflicts, a tie-breaking method would have to be adopted where more than one stand-alone AM station applied for a mutually-exclusive authorization.

⁴ Saga suggests the market definition be the criteria set out in *2002 Biennial Regulatory*

Saga's suggested limitation on the eligibility of AM stations will result in those stations having the most need actually obtaining the FM translators. In an auction for a vacant FM translator frequency, it would not be fair or reasonable to pit a 50,000 watt full-time clear channel AM station co-owned with multiple FM "sister stations" against a 1,000 watt daytime only stand-alone local station since the powerful station could easily outbid the little guy. Similarly, it would not be fair or reasonable for this hypothetical 50,000 watt full-time clear channel AM station to negotiate in the marketplace against a 1,000 watt daytime only station in the purchase of an FM translator that might be put up for sale. In short, without limitations on who is eligible, the most powerful AM stations will wind up with the FM translators. That will frustrate the goal that runs throughout the NAB Petition, i.e., that this is a proposal "to enhance the audio quality of AM service where necessary, and to enable AM stations to better compete in the ever-changing media marketplace."

As an example, the Commission may note that Saga, through subsidiaries, is the licensee of some powerful AM stations with large coverage areas that could, if the NAB Petition is implemented without limits, permit Saga to snap up FM translator frequencies and use the FM translators to augment the AM signals. However, Saga does not believe such powerful stations should be eligible.⁵ Among Saga's 30 AM stations are

Review -- Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; Cross-Ownership of Broadcast Stations and Newspapers; Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets; Definition of Radio Markets; Definition of Radio Markets for Areas Not Located in an Arbitron Survey Area, 18 FCC Rcd 13620 (2003).

⁵ Although Saga believes licensing FM translators to high coverage AM stations would be unwise, should the FCC decide not to impose limitations, Saga, like all other similar broadcasters, would not feel constrained to seek FM translators for any of its AM

WGAN(AM), Portland, Maine;⁶ KPUG(AM), Bellingham, Washington;⁷ KPSZ(AM), Des Moines, Iowa;⁸ and the legendary WNAX(AM), Yankton, South Dakota, that serves portions of seven⁹ states in the Midwest.

It would be a classic David and Goliath contest to match low-frequency-high power stations like these (that have no currently pressing need for an FM translator) against tiny small town daytime only stations that really could use an FM translator to help them compete. Unfortunately, in this contest, little David would lose every time. Unless the FCC limits the universe of eligible licensees as Saga suggests, FM translators will bring no discernible benefit to AM broadcasting. Without eligibility limits, it is easy to predict the gold rush whereby some existing FM translator licensees will transfer their unwanted frequencies to the highest bidders—and those highest bidders will most probably not be small AM daytime only stations.

stations, powerful or not, if it perceived a need for them, however slight. In fact, applying for FM translators could be seen as a required part of its business model. The Commission can easily prevent such a result by simply limiting the eligibility for the FM translators to stations that really need them.

⁶ Operates on 560 kHz with 5,000 Watts full time.

⁷ Operates on 1170 kHz with 10,000 Watts day and 5,000 Watts night.

⁸ Operates on 940 kHz with 10,000 Watts day and 5,000 Watts night.

⁹ North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Kansas and Missouri. Counsel understands that the call sign “WNAX” stands for “National Experiment.” WNAX operates on 570 kHz with 5,000 Watts day and night.

In light of the foregoing, Saga urges the Commission, if it adopts the NAB
Petition, to adopt it with the eligibility limitations Saga suggests herein.

Respectfully submitted,

SAGA COMMUNICATIONS, INC.

By:

A handwritten signature in black ink, appearing to read 'Gary S. Smithwick', written over a horizontal line.

Gary S. Smithwick
Its Counsel


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August 24, 2006

CERTIFICATE OF SERVICE

I, Sherry L. Schunemann, a secretary in the law office of Smithwick & Belendiuk, P.C., do hereby certify that a copy of the foregoing "Comments of Saga Communications, Inc." was mailed by First Class U.S. Mail, postage prepaid, this 24th day of August, 2006, to the following:

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